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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,911	01/18/2001	Yoshiharu Chikazawa	PA000002	8193

7590 11/19/2004

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EXAMINER

PARKER, KENNETH

ART UNIT PAPER NUMBER

2871

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,911

Applicant(s)

CHIKAZAWA, YOSHIHARU

Examiner

Kenneth A Parker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What constitutes an "image capture unit" cannot be clearly ascertained. For examining purposes, it is assumed that any array will meet this limitation.

Claim Rejections - 35 USC § 103

Claims 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodgate 6377295 and Inoguchi 6061179 in view of Spruck 5978143, Zeiss DE 29612054U, Sugihara et al IEICE, and Sugihara et al SID.

Both Woodgate and Inoguchi disclose LCD based stereoscopic displays that appear to show moving multiple arrays at least one of the arrays back and forth to adjust vergence. Multiple arrays are present, and so one can be construed as the image capture unit and one can be construed as the image reproducing unit. A detector unit is present in Woodgate as the observer tracker (figure 18), and in Inoguchi as the pair of eyes. All of the secondary references show the movement of the arrays relative to each other for the benefit of enabling the user to move and/or to keep accommodation and vergence to the same distance for better user comfort. Therefore, it would have

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been obvious to one of ordinary skill, in the device of Gulick Jr, to employ the relative movement details as claimed for the benefit on enabling user movement and and/or to keep accommodation and vergence to the same distance for better user comfort.

If the eye of Inoguchi were not to be construed as a detector, it would have been obvious to employ a detector for monitoring the head position of the user as was well known to enable automatic adjustment of properties such as vergence, as was evidenced by Woodgate and the secondary references.

The image appearing at a third distance is an intended use limitation, as it is dependent upon the information to be display (if the image is to be far or near), and therefore it would have also been obvious to one of ordinary skill in order to enable display of arbitray distance images.

Manual control would have been obvious to one of ordinary skill compared to automatic as it would have been less costly then any automatic control, and to enable the use to find the most comfortable setting.

Response to Arguments

Applicant arguments have been considered. Many of the secondary references clearly show moving at least one of the arrays laterally (distance wise), the Sugihara references are unambiguous for the vergence problem, although they show this through figures with arrows instead of word in the description. The words in the descriptions do describe the moving and why, just leave ambiguous the direction. The Woodgate

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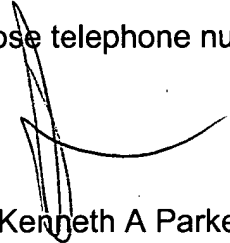
reference and Inoguch show back and forth motion unabiguously in addition to the side to side motion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Parker whose telephone number is 571-272-2298. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.



Kenneth A Parker
Primary Examiner
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